

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JOSE FRANCISCO GUZMAN-CABRERA,

Defendant.

18-CR-868 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge:

On November 5, 2021, defendant was sentenced principally to a term of imprisonment of 78 months.

On November 7, 2023, defendant filed a motion requesting that the Court reduce his sentence pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023, and applies retroactively.

The Court has determined that defendant is not eligible for a sentence reduction. Defendant is precluded from the status points reduction in Amendment 821 because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence. *See* U.S.S.G. § 4A1.1. In addition, defendant is precluded from the zero-point offender reduction because, while he had zero criminal history points, he received an aggravating role adjustment pursuant to § 3B1.1(b). *See* U.S.S.G. § 4C1.1.

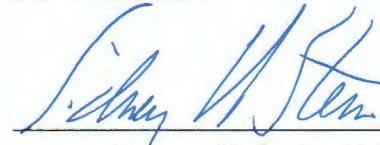
Accordingly, defendant's motion is hereby DENIED.

The Clerk of Court is directed to mail a copy of this Order to Jose Francisco Guzman-Cabrera (#07122-509), FCI Fort Dix, Federal Correctional Institution, P.O. Box 2000, Joint Base MDL, NJ 08640.

Dated: New York, New York

January 31, 2024

SO ORDERED:



Sidney H. Stein, U.S.D.J.